

REMARKS

Claims 5 through 10 and 12, 14, and 15 are pending in the application. Independent claims 5 and 12 are hereby amended to better define the invention. Dependent claims 11 and 13 are canceled and incorporated into the independent claims. All claims stand rejected. In view of the amendments and the following discussion, Applicant respectfully traverses the rejections.

Applicant's Invention

As amended, claims 5 and 12 specify three features not found in the prior art:

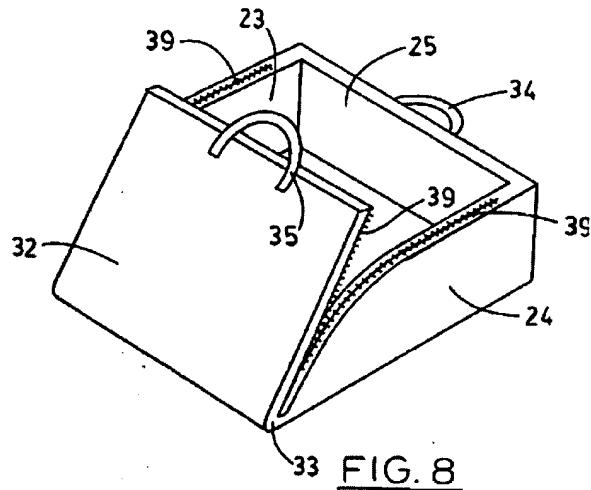
- 1) rigid panels that fold together at a hinge to form a fully enclosed enclosure (similar to a suitcase);
- 2) an upstanding wall around three edges of one of the rigid panels to provide the previously exhaustively discussed “curl-up surface”; and
- 3) a fleece or fabric covering for the interior sides of the panels.

None of these features are found in a *single* prior art reference and there is simply no motivation whatsoever to combine the references of record to obtain Applicant's claimed invention.

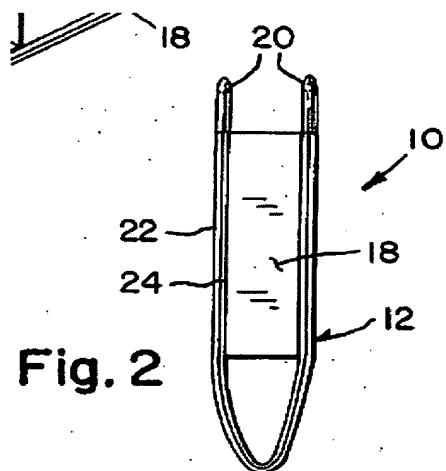
The Scope and Content of the Prior Art

In view of the amendments and cancellation of claims, the original rejections do not apply to the pending claims. Accordingly, Applicant will confine this discussion to the newly cited or applied references.

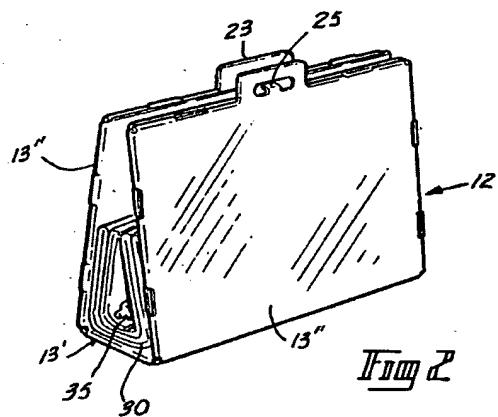
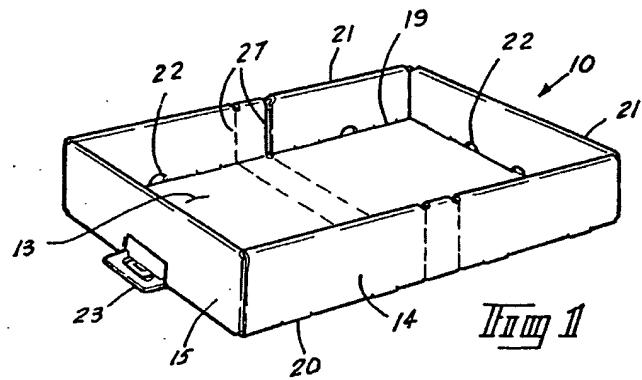
Morton discloses a portable infant bed that appears to disclose something similar to Applicant's upstanding wall. It must be noted, however, that the “flat bottom surface 22” of *Morton* is not and cannot be a rigid panel as claimed. It must be flexible in order to “close.” See Figure 8. Further, the lack of rigid panels and a hinge member, as claimed, means that *Morton*'s device, when “closed” as shown in Figure 8, leaves a large gap out of which material can fall when it is used as a transport. It is thus not “fully enclosed” as claimed and illustrated.



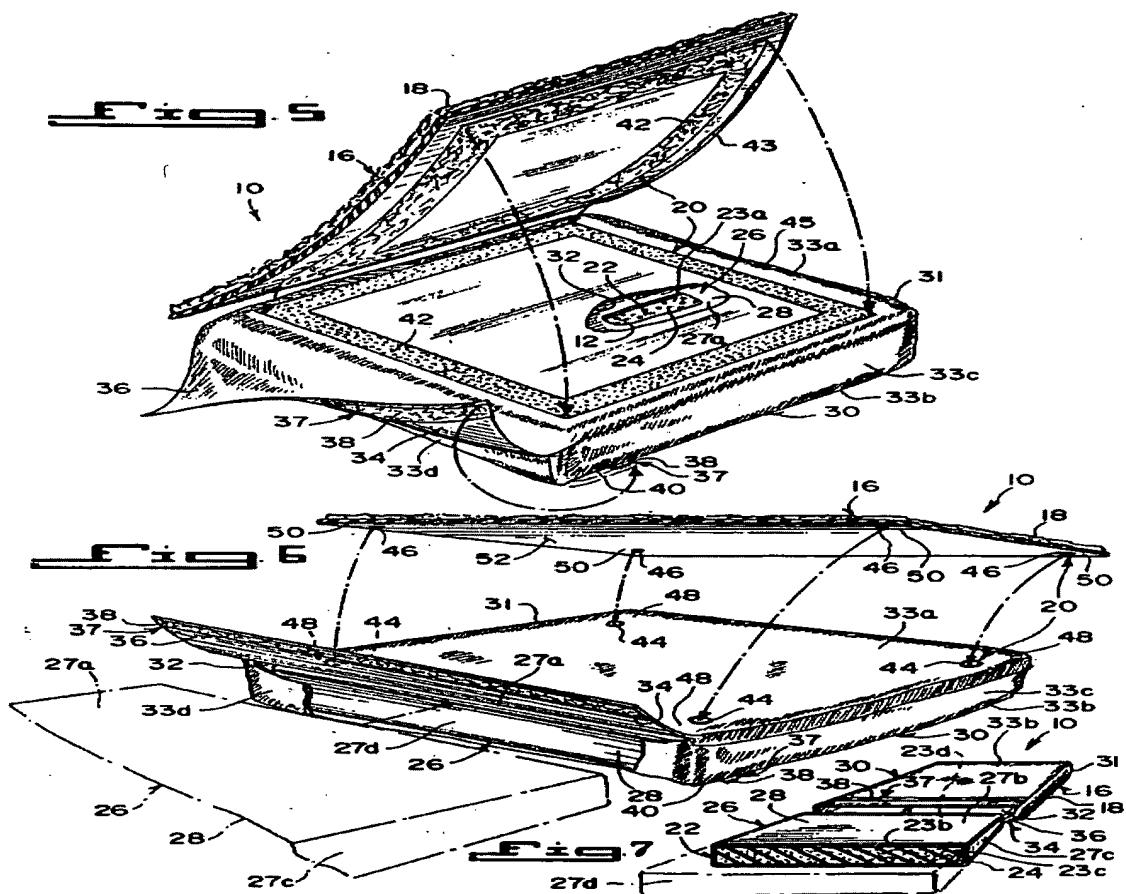
Trahan discloses a mat that has what appears to be something similar to Applicant's claimed upstanding wall, but has flexible, non-rigid panels (formed of a plastic material and a towel-like material), and does not form a fully enclosed enclosure when closed as shown in Figure 2:



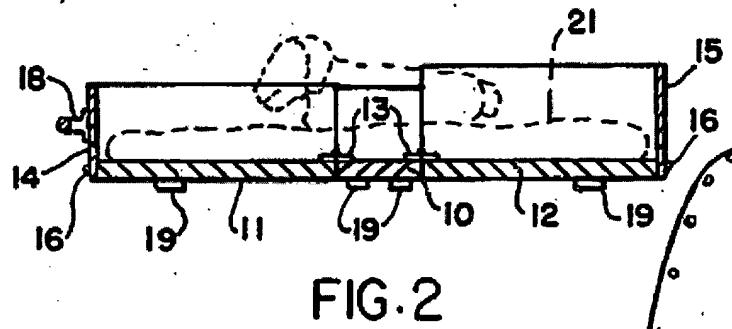
Antosko shows a cardboard crib in which any upstanding wall completely surrounds the periphery of the panels, unlike the claimed upstanding wall and does not close into a fully enclosed enclosure:



Moore discloses a pet formed of components that is not capable of being folded between open and closed positions and accordingly does not form any sort of enclosure as a result:



Ballard discloses a pet bed that has rigid panels and closes or folds to form the fully enclosed enclosure. Nevertheless, it conspicuously lacks Applicant's upstanding wall that in the open position only partially encloses approximately half of the pet bed. *Ballard*'s upstanding wall encloses the entire periphery of the open bed, as shown in Figure 2:



Finally, the *Walker* reference has been discussed *ad nauseam* previously and does not disclose Applicants' claimed upstanding wall.

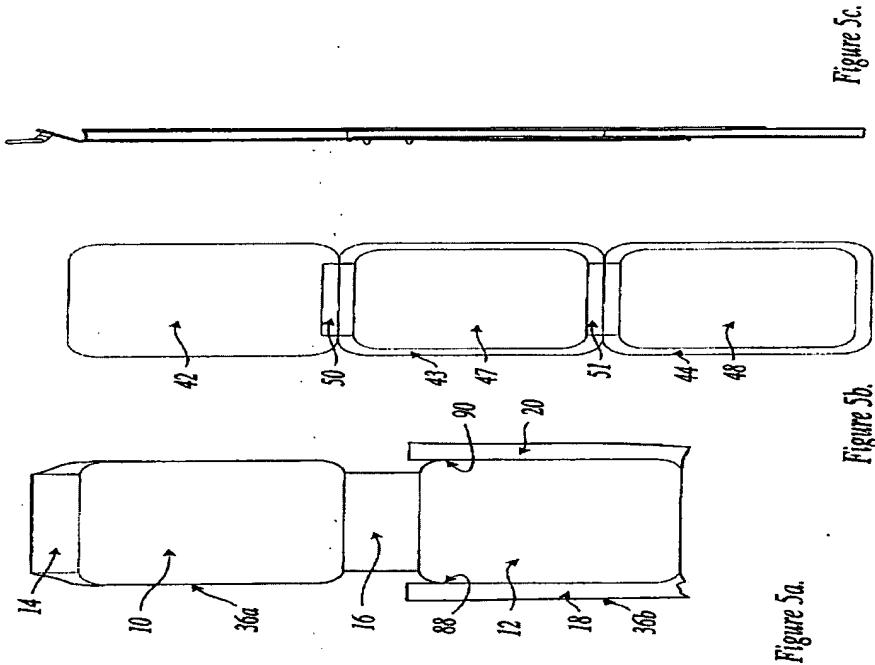


Figure 5c.

Figure 5b.

Figure 5a.

The Impropriety of Rejection

From the foregoing discussion of the prior art, it is clear that none of the foregoing references anticipate Applicants claimed invention because they do not disclose each and every limitation of the pending claims as required by 35 U.S.C. § 102.

Further, although by selecting piecemeal from the prior art Examiner can find each limitation of the claimed invention, this employs impermissible hindsight and uses Applicant's invention as a template from which to assemble the claimed invention from isolated disclosures in the prior art. Such assembly would require mixing soft-sided pet beds with hard-sided animal beds, for example and those that form an enclosure when closed with those that do not. There is no motivation or suggestion in any of the foregoing references to combine its features with those of any other reference.

Accordingly, Applicant submits that none of these references can support a rejection of the pending claims under 35 U.S.C. § 103.

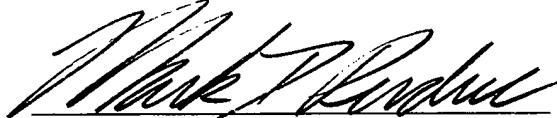
Conclusion

In view of the foregoing, Applicant respectfully submits that all claims are in condition for allowance and respectfully solicits the same.

Applicant has now made an earnest attempt to place this application in condition for allowance, or in better condition for appeal. Therefore, Applicant respectfully requests, for the reasons set forth herein and for other reasons clearly apparent, allowance of all pending claims so that the application may be passed to issue. If the Examiner has any questions or desires clarification of any sort, or deems that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the number listed below.

Applicant believes no fee is due for the filing of this amendment and response. If this is incorrect, the Commissioner is hereby authorized to charge any fee or credit any overpayment to Deposit Account No. 50-2180.

Respectfully submitted,



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